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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,860

10/30/2003

Terrence Anton

10052-001

9768

29391

7590

08/16/2006

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EXAMINER

GRAHAM, MARK S

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,860

Applicant(s)

ANTON ET AL.

Examiner

Mark S. Graham

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33, 35-37, 39-48 and 52-64 is/are pending in the application.
4a) Of the above claim(s) 1-21 and 52-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 22-30, 32, 33, 35-37, 39-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 39, 40, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Beam. Jones discloses the claimed course with the exception the use of a substantially equal rectangular dimensions for each hole. However, as disclosed by Beam it is known in the art to use such an arrangement to save ground area. Note Beam's Fig. 1 and Col. 4, lines 28-32. It would have been obvious to one of ordinary skill in the art to have provided Jones' holes in the same manner if it was desired to provide a more compact golf course.

Regarding the tee positioning Jones discloses that it is known to locate tees at various positions along the fairway. How the tee areas are used is not at issue.

Concerning claim 40, the examine took official notice that golf courses are commonly provided with extra space and swimming pools in country club settings to provide various activities and such is now admitted prior art. It would have been obvious to one ordinary skill in the art to have provided Jones' course in the same manner for the same reason.

Claims 22-28, 30, 32, 33, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Beam and Shaw. Jones discloses the claimed course with the exception the use of a substantially equal rectangular dimensions for each hole. However, as disclosed by Beam it is known in the art to use such an

arrangement to save ground area. Note Beam's Fig. 1 and Col. 4, lines 28-32. It would have been obvious to one of ordinary skill in the art to have provided Jones' holes in the same manner if it was desired to provide a more compact golf course.

With regard to the irrigation system, as noted previously such are known in the art as typified by Shaw. It would have been obvious to one of ordinary skill in the art to have provided such with Jones course as well to provide irrigation.

Regarding the tee positioning Jones discloses that it is known to locate tees at various positions along the fairway. How the tee areas are used is not at issue.

Claims 29 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 22 and 44 respectively above, and further in view of Taniguchi. Claims 29 and 45 are obviated for the reasons set forth in the claim 22 and 44 rejection with the exception of the lighting. However, as disclosed by Taniguchi it is known in the art to use such on golf courses. It would have been obvious to one of ordinary skill in the art to have done the same with Jones' golf course to allow for night play.

Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 22 above, and further in view of Armstrong. Claims 35-37 are obviated for the reasons set forth in the claim 22 rejection with the exception of the target. However, it is known in the golf art to use such targets for golf games as disclosed by Armstrong. It would have been obvious to one of ordinary skill in the art to have used such on Jones' course as well to play a game such as that disclosed by Armstrong.

Claims 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 39 above, and further in view of Armstrong. Claims 35-37 are obviated for the reasons set forth in the claim 39 rejection with the exception of the target. However, it is known in the golf art to use such targets for golf games as disclosed by Armstrong. It would have been obvious to one of ordinary skill in the art to have used such on Jones' course as well to play a game such as that disclosed by Armstrong.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 40 above, and further in view of Aberg for the reasons set forth in the previous action's application of Aberg.

In response to applicant's first argument it is true that Jones discloses a full size golf course with different length holes as is conventional. However, the point of the rejection is that in a limited space situation, as discussed by Beam, a reduced size version of a golf course may be offered by providing a smaller 18 hole modular layout wherein each hole is fitted into an identical rectangular boundary. One of ordinary skill in the art seeking to provide holes with varied teeing areas such as Jones in a limited space would obviously have seen the benefits of using a compact modular system such as taught by Beam to lay out the course.

Applicant's arguments over the particular dimensions of Beam's course or the type of "fairways" it uses miss the point of the rejection. Jones teaches normal size holes of the design claimed by applicant. Beam teaches that when downsizing a golf course holes may be provided within defined rectangular boundaries adjacent to one

Art Unit: 3711

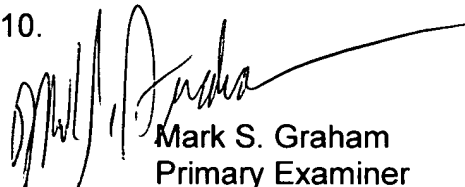
another to save space. The exact dimensions and details of each hole would obviously have been up to the ordinarily skilled artisan depending on the difficulty desired in the hole and the amount of limited space available.

Applicant's arguments filed 8/2/06 have been fully considered but they are not persuasive.

Any inquiry concerning this communication should be directed to Mark S.

Graham at telephone number 571-272-4410.

MSG
8/14/06



Mark S. Graham
Primary Examiner
Art Unit 3711